

REMARKS

In the Office Action¹ mailed December 18, 2008, the Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph; rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Wang et al. (U.S. Patent No. 5,922,617, hereafter "Wang"); and rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki et al. (JP 2001-238674, hereafter "Iwasaki") in view of Wang as evidenced by Merriam-Webster's online dictionary ("[http://www.merriam-webster.com/dictionary/pitch\[4\]](http://www.merriam-webster.com/dictionary/pitch[4])", hereafter "Dictionary").

By this Amendment, Applicant amends claims 1 and 2. Support for the claim amendments can be found in the Specification at, for example, paragraph [0034] of this published application, and Figure 3. Claims 1-6 remain pending and under consideration.

Applicant respectfully traverses the rejection of claim 5 under 35 U.S.C. § 112, second paragraph.

Claim 1, from which claim 5 depends, recites, "a bioassay substrate having a disc-shape . . . comprising a plurality of detection units equally dividing the bioassay substrate in a circumferential direction," (emphasis added), and claim 5 recites, "the detection units are arrayed in concentric circles or in a spiral shape when viewed from the top." Neither claim 1 nor claim 5 require that two detection units be aligned along the same circumference. Even assuming that, when viewed from the top, the claimed

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

detection units arrayed in concentric circles or in a spiral shape indeed have different lengths, it does not necessarily follow that they cannot equally divide the claimed bioassay substrate in a circumferential direction. Accordingly, the Examiner's rejection of claim 5 under 35 U.S.C. § 112, second paragraph, is improper and should be withdrawn.

Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Wang.

Claim 1, as amended, recites "a bioassay substrate having a disc-shape . . . , the bioassay substrate comprising a plurality of detection units . . . , each detection unit comprising: a data-detecting area comprising a reaction area . . . , and a detection surface for fixing end portions of the substances to be detected, the detection surface being formed at a side of the data-detecting area," (emphasis added).

Wang fails to teach at least the claimed detection surface formed at a side of the claimed data-detecting area.

Wang, at column 13, lines 13-27, discloses,

In FIG. 1A is exemplified a magnetic bead 10 having a coat 12 of streptavidin. A bound component comprising biotin 14, a sequence tag 16, and a nucleic acid 18, is linked to the magnetic bead by the specific affinity of biotin for streptavidin. . . . In FIG. 1B an analogous conjugated magnetic particle is depicted with a magnetic particle 10 coated with a covalently bonded receptor protein 20, which could be an antibody to an unnatural oligopeptide sequence 22, defining an epitope to which the receptor protein 20 has a high specific affinity. (Emphasis added).

In addition, Wang, at column 14, lines 27-30, discloses, "[i]nstead of radial placement of particles and headers, in FIG. 4, disk 66 has a plurality of circular grooves, exemplified by a single groove 68, in which particles 70 are evenly circularly placed,"

(emphasis added). Accordingly, even assuming coat 12 of magnetic bead or particle 10 of Wang could reasonably correspond to the claimed detection surface, Wang at best discloses coat 12 evenly distributes in groove 68. Wang does not disclose coat 12 is formed at a side of groove 68. Accordingly, Wang fails to teach, “the detection surface being formed at a side of the data-detecting area,” as recited in amended claim 1 (emphasis added). Accordingly, amended claim 1 distinguishes over Wang.

Claims 2-6 depend from claim 1 and distinguish over Wang at least due to their dependence.

Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki in view of Wang as evidenced by Dictionary.

Iwasaki, at paragraph [0049], discloses,

In the surface of the layer 8 of glass, two or more spots 9 by which the DNA probe is fixed along with the tracking mark 7 are arranged spirally. Drawing 2 is a figure showing the spot of the single tier of the length direction of the arrangement between the tracking marks of drawing 1 (b) in a ** type. In drawing 2, the number in the spot 9 is a number which shows the turn of arrangement. An address mark and the 64 spots 9 are arranged in one division. Thus, the division of the spot 9 is carried out in the length direction of arrangement, and it has an address mark for every division. And the address marks for every division differ mutually. (Emphasis added).

Accordingly, Iwasaki merely discloses that sixty-four spots 9 are formed in one division along a longitudinal direction. Iwasaki does not disclose spots 9 are formed at a side of that division. Therefore, Iwasaki fails to teach or suggest, “the detection surface being formed at a side of the data-detecting area,” as recited in amended claim 1 (emphasis added).

Wang and Dictionary fail to cure the deficiencies of Iwasaki. Accordingly, claim 1 distinguishes over Iwasaki, Wang, and Dictionary.

Claims 2-6 depend from claim 1 and thus distinguish over Iwasaki, Wang, and Dictionary at least due to their dependence.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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